



February 19, 2020

Senator Will Smith
Chair, Judicial Proceedings
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Support for – Criminal Procedure – Partial Expungement

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I strongly support SB589 which authorizes a person to file a petition for a partial expungement of certain criminal records under certain circumstances; requiring a court to order that certain records may not be included on the public website maintained by the Maryland Judiciary or within records submitted to the Central Repository; repealing a provision of law establishing that, if a person is not entitled to expungement of one charge or conviction in a certain unit, the person is not entitled to expungement of any other charge or conviction in the unit.

The number of Americans with a criminal history is on the rise. Nearly one-third of the adult working-age population has a criminal record. According to the National Employment Law Project, 1 in 3 Americans (70 million) have an arrest record that will appear in a routine criminal background check in hiring. This means, nearly 1.5 MILLION Marylanders struggle to secure employment with a criminal record. Criminal records can serve as both the cause and consequence of poverty. Citizens with a criminal background apply for jobs for which they are well qualified, but are not considered due to a non-conviction record. These non-convictions create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources. Technological advances have made access to criminal background information easier, and Marylanders are finding themselves shut out of the job market due to online criminal background databases, such as Maryland Judiciary Case Search.

Under current Maryland law, charges that arise from the same incident, transaction or set of facts are considered a 'unit of charges'. If a person is not entitled to expungement of one charge or conviction within a unit, the person is not entitled to expungement of any other charge within the unit. **Simply put, in order to expunge any eligible charges within a unit, all charges within the unit must be eligible.**

The notorious 'unit rule' significantly limits expungement for eligible charges that did not result in a conviction. This means that individuals are permanently saddled with lengthy records – many times for charges that they did not commit. **This challenge falls disproportionately on disadvantaged communities, the poor, and the homeless.** Partial expungement restricts public access to non-convictions while maintaining public access to convictions within the unit of charges. Eliminating the unit rule to reduce the likelihood that non-convictions are used against

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

citizens attempting to improve their lives. For these reasons we urge you to favorably recommend SB589.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is fluid and cursive, with the first and last names being clearly legible.

Marilyn J. Mosby
State's Attorney for Baltimore City